

MINUTES

TENNESSEE BOARD OF MEDICAL EXAMINERS

JULY 20 AND 21, 2004

The meeting was called to order at 8:53 a.m., in the Cumberland Room, Ground Floor of the Cordell Hull Building, 425 Fifth Avenue North, Nashville, Tennessee 37247-1010, by President Dr. David Cunningham. The Board welcomed its new member, Dr. Michael Zanolli. Other members present were: Drs. Charles White, Subhi Ali, Sam Barnes, Barbara Engelhardt, George Eckles, Michael Zanolli, Mitchell Mutter, and Ms. Nina Yeiser. Absent members were Dr. Allen Edmonson, Mr. Mark Brown and Ms. Mary Johnson. Staff present included: Rosemarie Otto, Executive Director, Marsha Arnold, Unit Manager, Sandra Powell, Administrator and Robert Kraemer, Advisory Attorney.

Minutes

Minutes from the May 18 and 19, 2004 and May 21, 2004 teleconference meetings were reviewed. Dr. Ali made a motion to approve the minutes and Dr. White seconded the motion. The motion carried unopposed.

Ratification of Licenses

New, reinstated, failed to renew and voluntarily retired licenses for Medical Doctors, Medical X-Ray Operators and Athletic Trainers were reviewed by the Board. Dr. Eckles made a motion to ratify the approval of licenses and the motion was seconded by Ms. Yeiser. Dr. White made a motion to ratify the approval of licenses by the Acupuncture Committee. Dr. Zanolli seconded the motion. Dr. Eckles made a motion to ratify the approval of licenses made by the Committee on Clinical Perfusionists and Dr. Ali seconded the motion. The motions carried unopposed.

New Applicant Interviews

Sharon Tracy Browning, MD

Dr. Browning is applying for a license to practice medicine in Tennessee. Ms. Otto reviewed Dr. Browning's application to the Board. The Board requested information on the malpractice suit. After further discussion, Dr. Eckles made a motion to grant Dr. Browning a license and Dr. White seconded the motion. The motion carried unopposed.

Craig Franklin Copeland, MD

Dr. Copeland is applying for a license to practice medicine in Tennessee and is planning to relocate to the Memphis area. The Board asked Dr. Copeland about the two malpractice suits against him and whether he has malpractice insurance. Dr. Copeland stated he is in the process of obtaining

insurance. After further discussions, Dr. Barnes made a motion to grant Dr. Copeland a license pending proof of malpractice insurance. A letter must be submitted to the Board office stating Dr. Copeland will be covered. Ms. Yeiser seconded the motion. The motion carried unopposed.

Robert Jason Kellett, MD

Dr. Kellett is applying for a license to practice medicine in Tennessee. Dr. Kellett is currently in a residency program at East Tennessee State University. Dr. Kellett was suspended from the residency program in South Carolina. The Board asked questions about the incident. After further discussion, Dr. White made a motion for Dr. Kellett to present himself to the Vanderbilt Assessment Program and reschedule to appear before the Board for an interview after the assessment is complete. Ms. Yeiser seconded the motion.

Gina Kay McKinley, MD

Dr. McKinley is applying for a license to practice medicine in Tennessee. Dr. McKinley explained the situation of self prescribing. Dr. Roland Gray with the Tennessee Medical Foundation met with Dr. McKinley and concluded she is not chemically dependent and advocated for her and stated she has a TMF contract. Dr. Mutter made a motion to grant Dr. McKinley a license. Dr. Barnes seconded the motion. The motion carried unopposed.

Connie Lois Nickelson, MD

Dr. Nickelson is applying for a license to practice medicine in Tennessee. The Board requested information on the malpractice suit. Dr. Nickelson was sued by the estate of a patient who died from the effects from the 6,000 narcotic pills prescribed her by Dr. Nickelson. Dr. Nickelson admitted she opened a pain management center and discovered that she held no training in that area. She assured the Board she had no intention of opening another pain clinic. Dr. Nickelson's goal is to work as a Hospitalist in Athens, Tennessee. Ms. Yeiser made a motion to grant a license to Dr. Nickelson and Dr. White seconded the motion. The motion carried unopposed.

Marcus Raines, MD

Dr. Raines is applying for a license to practice medicine in Tennessee. Dr. Raines explained about the incident of being placed on probation during his internship over 20 years ago. Dr. Raines stated he has been working in emergency medicine. Dr. White made a motion to grant a license to Dr. Raines. Dr. Ali seconded the motion. The motion carried unopposed.

Tai Lee Temple, MD

Dr. Temple is applying for a license to practice medicine in Tennessee. Dr. Temple explained the problems and reasons why she resigned from the residency program at Vanderbilt. Dr. Mutter made a motion to grant a license to Dr. Temple and Ms. Yeiser seconded the motion. The motion carried unopposed.

Leonard J. Rutkowski, MD

Dr. Rutkowski is applying for a license to practice medicine in Tennessee. He is planning on relocating to the Memphis area and has had three malpractice suits against him. After further discussions, Dr. Barnes made a motion to grant a license to Dr. Rutkowski and Dr. Mutter seconded the motion.

Reinstatement Interviews

Augusto Loaizo, MD

Dr. Loaizo is applying for reinstatement of his Tennessee medical license which had been previously placed on probation due to California's Order. Ms. Yeiser made a motion not to reinstate Dr. Loaizo's license until his California license is unencumbered. Dr. White seconded the motion. The motion failed. Dr. Engelhardt made a motion to reinstate Dr. Loaiza's license on probation and Dr. Mutter seconded the motion. The motion carried with Dr. White and Ms. Yeiser opposing.

Colin Max Muir, MD

Dr. Muir is applying for reinstatement of his Tennessee medical license. Ms. Arnold explained the miscommunications and Dr. Muir's request to be rescheduled for the next meeting. Dr. Muir will be notified that his appearance at the September meeting is mandatory and his absence will be the basis for the application to be closed.

Rule Action

Jerry Kosten, Rules Coordinator, reviewed the Office Based Surgery Rules. Dr. Eckles explained changes that had been made as a result of the Rulemaking Hearing. Dr. Ali made a motion to approve the Office Based Surgery Rules and Dr. Eckles seconded the motion. The rule was adopted unanimously by roll call vote.

Mr. Kosten reported on the rulemaking hearing which was held July 16, 2004 pertaining to the seven year rule as set out by Public Chapter 562. Dr. White made a motion to accept the rule as amended and Ms. Yeiser seconded the motion. The rule was adopted unanimously by roll call vote.

Mr. Kosten reported on Public Chapter 579 which establishes special volunteers and their services for the Board's review. The rule also included some housekeeping rules. Dr. Ali made a motion to accept the rule and send to rulemaking hearing. Dr. Mutter seconded the motion. The motion carried unopposed. Mr. Kosten stated the hearing will be held September 17, 2004.

Discussion

Tina Joseph Bailey with High Tech Institute addressed the Board concerning the probation they were placed on January 20, 2004. Ms. Bailey reported that as of June 30, 2004, High Tech had a

pass rate of 65%. Ms. Otto reported Joel Herring supported High Tech's improvement. Dr. Barnes made a motion to lift High Tech's probation and Dr. Mutter seconded the motion. The motion carried unopposed.

Reports

Budget Report

Ms. Otto reviewed the financial report in Ms. Lisa Tittle's absence. Ms. Otto informed the Board that the Board of Medical Examiners is progressing well toward reducing its deficit. Dr. Barnes asked about additional funds to the Tennessee Medical Foundation and Dr. Cunningham replied that the Board's deficit would have to be eliminated first. In the meantime, TMF continues to receive \$100,000 annually.

Director's Report

Ms. Otto welcomed new board member, Dr. Michael Zanolli. Ms. Otto informed the Board about the meeting held by the Professional Occupations Subcommittee on July 8-9, 2004 in Johnson City, Tennessee regarding Alternative Medicine and that no one in the administrative office or from the Board was able to attend. Ms. Otto stated she has requested a tape of the meeting. It was suggested that Dr. Mutter prepare comments for the Board to review and ratify for presentation to the Subcommittee. Dr. Mutter agreed to review the tape of the meeting and report back to the Board after his review.

Investigation Report

Ms. Lea Phelps, Disciplinary Coordinator, reviewed the report from the Bureau of Investigations in Ms. Denise Moran's absence.

Disciplinary Report

Ms. Lea Phelps, Disciplinary Coordinator reviewed the disciplinary report for the Board.

Office of General Counsel Report

Mr. Bob Kraemer reviewed the OGC report for the Board and reviewed all the status of various rules. Mr. Kraemer also updated the Board on the adoption of the following Public Chapters: 532, 562, 575, 579, 583, 677, 678, 704, 707, 715, 745, 780, 862, and 944.

"Noteworthy" section for the Internet

The Board did not designate anything for the "Noteworthy" section of the Internet.

Adjourned for lunch at 12:00 noon and reconvened in the Cumberland Room at 1:00 p.m.

Disciplinary Action

Tennessee Room:

Panel: White, Yeiser, Ali

Order Modification

John McMurry, MD - Dr. McMurry was present. Dr. Roland Gray with the Tennessee Medical Foundation was present. Mr. Weddle represented the State. The Honorable Rob Wilson, Administrative Law Judge presided. Mr. Weddle began his opening statement and handed out the Notice of Charges, Petition for Order Modification and Agreed Order to the panel for review. Dr. McMurry is in violation of TCA 63-6-214(b) (5) (20). On or about January 31, 2002, the West Virginia Medical Board entered a Consent Order granting Dr. McMurry a license to practice in West Virginia, but placing his license on probation for two years based upon his admission that he was receiving treatment for amphetamine dependence. Dr. McMurry is required to insure that the Medical Director of the Tennessee Medical Foundation Impaired Physician's Program submits regular reports every sixty days to the West Virginia Medical Board confirming Dr. McMurry is in compliance with the provisions of the TMF's five (5) year continuing care contract entered into with TMF. Dr. McMurry must attend weekly Alcoholic Anonymous/Narcotics Anonymous meetings and submit to random drug screens. Mr. Weddle gave his closing statement. Dr. McMurry is asking the Board to lift the probation. Dr. White made a motion to accept the Finding of Facts and Dr. Ali seconded the motion. The motion carried unopposed. Dr. White made a motion to accept the Conclusions of Law and Dr. Ali seconded the motion. The motion carried unopposed. Dr. White made a motion to lift the probation on Dr. McMurry's medical license with the stipulations of continuing advocacy with TMF for no less than two years and assessing the cost of the hearing to him. Dr. Ali seconded the motion. The motion carried unopposed. Dr. White made a motion to accept the policy statement to protect the health, safety and welfare of the citizens of the State of Tennessee.

Contested Case Hearing

Robert M. Canon, MD - Dr. Canon was present and represented by legal counsel, Mr. John Kovalina. Mr. Joseph Schmidt represented the State. The Honorable Rob Wilson, Administrative Law Judge presided. Mr. Schmidt gave his opening statement followed by Mr. Kovalinka. Mr. Schmidt handed out the Notice of Charges to the Board for review. Dr. Canon is in violation of TCA 63-6-214(b) (1), (3) and (10). On or about March 1, 2004, Dr. Canon was found guilty of ninety-five (95) felony counts in the case of *U.S. v. Canon*, in the United States or the Eastern District of Tennessee. Dr. Canon was found guilty of fifty (50) counts of healthcare fraud and forty-five (45) counts of false statements relating to a healthcare matter. Dr. Canon was sentenced to forty-one (41) months of imprisonment for each felony count, to run concurrently, and upon release from imprisonment, ordered to be placed on supervised release for a period of three (3) years for each felony count, to run concurrently. Dr. Canon must pay a criminal monetary assessment of nine thousand five hundred dollars (\$9,500.00) and ordered to pay restitution of three million one hundred eighty-three thousand seven hundred and ten dollars (\$3,183,710.00). On March 26, 2004, Dr. Canon was allowed to remain on bond and out of

custody while appealing his case to the United States Court of Appeals for the Sixth Circuit. Both attorneys gave their closing arguments. Deliberations began with Dr. White making a motion to accept the Finding of Facts. Dr. Ali seconded the motion. The motion carried unopposed. Dr. White made a motion to accept the Causes of Action and Dr. Ali seconded the motion. The motion carried unopposed. Dr. White made a motion to assess the cost of the hearing to Dr. Canon and Dr. Ali seconded the motion. The motion carried unopposed. Dr. Ali made a motion to suspend the medical license of Dr. Canon until Dr. Canon's appeal has been heard. If Dr. Canon's appeal is unsuccessful, the State can seek revocation of his license. Dr. White seconded the motion. The motion carried unopposed. Dr. White made a motion to accept the Order to protect the health, safety and welfare of the citizens of the State of Tennessee.

Stephen Yood, MD - Dr. Yood was not present nor represented by legal counsel. Mr. Joseph Schmidt represented the State. The Honorable Rob Wilson, Administrative Law Judge presided. Mr. Schmidt moved for a default. Dr. White made a motion to grant the default and Dr. Ali seconded the motion. The motion carried unopposed. Mr. Schmidt gave his opening statement. Dr. Yood is in violation of TCA 63-6-214(b) (1), (5) and (18). Dr. Yood's medical license was revoked in 1999. The Board granted reinstatement in 2002 with three restrictions. Dr. Yood had a chemical relapse and no longer has advocacy with the Tennessee Medical Foundation. Mr. Schmidt handed out the Notice of Charges, Agreed Order and the Minutes from the 2002 meeting to the panel for review. Dr. Gray, with the Tennessee Medical Foundation took the stand and stated that Dr. Yood had a relapse and TMF will no longer advocate for him. Dr. Schmidt gave his closing statements. Dr. White made a motion to accept the Finding of Facts of the Agreed Order. Dr. Ali seconded the motion. The motion carried unopposed. Dr. White made a motion to accept the Conclusions of Law and Dr. Ali seconded the motion. The motion carried unopposed. Dr. White made a motion to accept the Order to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Ali seconded the motion. The motion carried unopposed. Dr. White made a motion to permanently revoke the medical license of Dr. Yood. Dr. Ali seconded the motion. The motion carried unopposed. Dr. Ali made a motion to take immediate action on Dr. Yood's medical license and Dr. White seconded the motion. The motion carried unopposed.

Herman Garrett, MD - Dr. Garrett was not present nor represented by legal counsel. Mr. Joseph Schmidt represented the State. The Honorable Rob Wilson, Administrative Law Judge presided. Mr. Schmidt moved for a default and provided proof of a returned mail receipt sent to Dr. Garrett returned undeliverable on June 24, 2004. Dr. White made a motion to accept the default and Dr. Ali seconded the motion. The motion carried unopposed. Mr. Schmidt gave his opening statement and handed out the Notice of Charges and Kentucky's Agreed Order. Dr. Garrett is in violation of TCA 63-214(b) (20). Dr. Garrett entered an Agreed Order of Surrender with the Kentucky Board of Medical Licensure on May 24, 2001. Dr. Garrett was guilty of the personal misuse of alcohol and unlawful diversion of controlled substances for personal use. Dr. Garrett agreed to surrender his Kentucky medical license. Mr. Schmidt gave his closing statement. Dr. White made a motion to accept the Finding of Facts and Dr. Ali seconded the motion. The motion carried unopposed. Dr. White made a motion to accept the Conclusions of Law and Dr. Ali seconded the motion. The motion carried unopposed. Dr. White made a motion to suspend Dr. Garrett's medical license for a period of three (3) years and assess civil penalties as stated in the Order in addition to the cost of this hearing. Dr. Ali seconded the motion. The

motion carried unopposed. Dr. White made a motion to accept the Order to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Ali seconded the motion. The motion carried unopposed.

Agreed Order

Richard Robinson, MD - Dr. Robinson was not present nor represented by legal counsel. Mr. Joseph Schmidt represented the State. Mr. Schmidt handed out the Agreed Order and Notice of Charges to the panel for review. Dr. Robinson is in violation of TCA 63-6-214(b) (1), (4) and (12) and Rule 880-2-.14(7) of the Official Compilation of Rules and Regulations of the State of Tennessee. An investigation revealed that Dr. Robinson prescribed several pharmaceuticals for a patient without documenting an appropriated patient history and physical examination, without documenting a diagnosis based upon the examinations and all diagnostic and laboratory tests consistent with good medical care, and without documenting a therapeutic plan for the patient. Dr. Robinson entered into a sexual relationship with the patient during the course of the physician/patient relationship in early 2001. The Agreed Order states that Dr. Robinson's medical license will be placed on probation, commencing with the effective date of this order. Dr. Robinson shall remain on probation for a period of five (5) years, enter into a contract with the Tennessee Medical Foundation and successfully maintain the advocacy of the TMF for the duration of the period of probation. Dr. Robinson shall be evaluated by the Vanderbilt Comprehensive Assessment Program for Professionals within thirty (30) days of the effective date of this Agreed Order. Copies of any report(s) resulting from the VCAP evaluation shall be provided to Larry Arnold, MD, Board Consultant, and to Roland W. Gray, MD, Medical Director for TMF. Dr. Robinson shall attend and successfully complete the three (3) day course entitled "Prescribing Controlled Substances" sponsored by The Center for Professional Health, Vanderbilt University Medical Center, within the probationary period of this Order. Dr. Robinson shall attend and successfully complete the three (3) day course entitled "Maintaining Proper Boundaries" sponsored by The Center for Professional Health, within the probationary period of this Order. After the passage of two (2) years, Dr. Robinson shall be eligible to petition the Board for a modification of this Agreed Order in order to lift the probation. Dr. Ali made a motion to accept the Agreed Order. Dr. White seconded the motion. The motion carried unopposed.

Alphonso L. Smith, MD - Dr. Smith was not present, nor represented by legal counsel. Mr. Joseph Schmidt represented the State. Mr. Schmidt handed out the Agreed Order to the panel for review. Dr. Smith is in violation of TCA 63-6-214(b) (20). Dr. Smith's Virginia medical license was suspended for medical fraud on February 13, 2002 pursuant to the terms and conditions of an Agreed Order. The Agreed Order states that Dr. Smith must surrender his license to practice medicine in the State of Tennessee, commencing with the effective date of this Order. Dr. Smith's voluntary surrender of his Tennessee medical license shall be permanent. The Board will not accept and will not entertain any new application for medical licensure, any petition for reinstatement, any petition for a declaratory order concerning the Agreed Order, or any petition for an order modification concerning the Agreed Order. Dr. White made a motion to accept the Agreed Order and Dr. Ali seconded the motion. The motion carried unopposed.

Disciplinary Follow-up Report

Ronald Short, MD - Dr. Short was present accompanied by Dr. Roland Gray, Medical Director for the Tennessee Medical Foundation. Mr. Harry Weddle represented the State. Mr. Weddle handed out the Order and reports to the panel for review. Dr. Short's Wyoming medical license was disciplined in 2002. Dr. Short is in violation of TCA 63-6-214(b) (5) and (20). Dr. Short's Tennessee medical license was placed on restriction due to the disciplinary actions taken by the Wyoming Board. Dr. Gray stated that Dr. Short has been in compliance with the Board's Order. Dr. Short must meet with the Board at its July meetings in the years 2005, 2006 and 2007 to report on his continued compliance with the Board's Order.

Adjourned at 5:45 p.m.

Cumberland Room:

Panel: Zanolli, Mutter, Engelhardt

Contested Case Hearing

Ralph Bard, MD - Dr. Bard was present and represented by counsel. The State was represented by Ms. Shirley Corry, Special Counsel to the Commissioner. The Honorable Ann Johnson, Administrative Law Judge, presided. Ms. Corry began with an opening statement outlining the gross malpractice and pattern of repeated malpractice which was the basis for the State's charges against Dr. Bard. Ms. Corry published the Notice of Charges for the Board, and began putting on proof. The panel adjourned at 6:00 p.m. and were prepared to return on July 21, 2004 to hear more testimony.

The panel reconvened in the matter of Ralph Bard, MD at 9:00 a.m. on July 21, 2004 and continued hearing the State's proof. The panel adjourned at 4:30 p.m., prepared to reconvene on September 16 and 17, 2004 to hear more testimony.

Conference Room C:

Panel: Eckles, Barnes, Cunningham

Agreed Order

Mark Glasgow, MD - Dr. Glasgow was present but not represented by legal counsel. Mr. Robert Kraemer represented the State. The Notice of Charges and Agreed Order were handed out to the panel for review. Dr. Glasgow is in violation of TCA 63-6-214(b)(20). Dr. Glasgow's license to practice medicine was revoked in Kentucky for substance abuse violations and his medical licenses in Arkansas, North Dakota and Texas were, as a result of the Kentucky action, also suspended. Dr. Eckles made a motion to accept the Agreed Order to suspend the Tennessee medical license of Dr. Glasgow until all of the encumbrances placed on his Kentucky license are removed. Dr. Barnes seconded the motion. The motion carried unopposed.

Richard Terry, MD - Dr. Terry was not present nor represented by legal counsel. Mr. Robert Kraemer represented the State. The Notice of Charges and Agreed Order were handed out to the panel for review. Dr. Terry is in violation of TCA 63-6-214 (b) (1). Dr. Terry engaged in a pattern of verbally abusive behavior which created a disruptive environment in the medical workplace. The Agreed Order states that Dr. Terry's medical license is formally reprimanded for his conduct. He must attend monthly counseling sessions with a psychologist to address anger management and communication issues. Dr. Terry must submit four (4) quarterly progress reports from the psychologist to the Board's Medical Director and the Physician's Health Advisory Committee at Baptist Hospital, and attend the Physician's Development Program three (3) day course in Miami, Florida, presented by Larry Harmon, PhD., regarding disruptive physician behavior issues, within six (6) months of the effective date of this Order. Dr. Terry may not petition or appear before the Board before the expiration of one (1) year from the effective date of this Order to request an Order of Compliance and release from the above conditions. Dr. Eckles made a motion to accept the Agreed Order and Dr. Barnes seconded the motion. The motion carried unopposed.

Bruce E. January, MD - Dr. January was not present nor represented by legal counsel. Mr. Robert O'Connell represented the State. The Notice of Charges and Agreed Order was handed out to the panel for review. Dr. January is in violation of TCA 63-6-214(b)(20). Dr. January entered an Agreed Order adopted by the Texas Board of Medical Examiners for calling in a prescription and using the name of his partner. Dr. Eckles made a motion to accept the Agreed Order and to assess civil penalties of one thousand dollars (\$1, 000.00) and to pay costs of the hearing. Dr. Barnes seconded the motion. The motion carried unopposed.

James B. Brown, MX - Mr. Brown was not present nor represented by legal counsel. Mr. Robert O'Connell represented the State. The Notice of Charges and Agreed Order were handed out to the panel for review. Mr. Brown is in violation of TCA 63-6-214(b)(1) and (5). Mr. Brown was licensed as a medical x-ray operator in Tennessee and tested positive for marijuana during random drug screens on October 24, 2002 and May 20, 2003, while employed at Tabor Orthopedics in Memphis. The Agreed Order states that Mr. Brown's license be placed on suspension for a period of one (1) year commencing with the effective date of this Order, gain advocacy of the Tennessee Peer Assistance Program and enter a contract with TNPAP for a minimum period of one (1) year. Mr. Brown must obtain an evaluation performed by TNPAP for any potential drug addiction and receive treatment if found necessary as a result of the TNPAP evaluation and submit to random periodic drug screens during the life of his contract with TNPAP. Mr. Brown must pay costs before the expiration of the suspension period. Dr. Barnes made a motion to accept the Agreed Order and Dr. Eckles seconded the motion. The motion carried unopposed.

Contested Case Hearing

David A. Rand, MD - Dr. Rand was not present nor represented by counsel. Mr. Jonathan Stephens represented the State. The Honorable Robert Fellman, Administrative Law Judge presided. Dr. Eckles moved to proceed in Dr. Rand's absence by default and Dr. Barnes seconded. The motion carried unopposed. Mr. O'Connell handed out the Notice of Charges, Default Order and the Out of State actions to the panel for review. Dr. Rand is in violation of TCA

63-6-214(b)(20). The State asked the Board to revoke Dr. Rand's license to practice medicine in Tennessee mirroring actions of previous states. Dr. Eckles made a motion to accept the finding of Facts as proposed in the Default Order and Dr. Barnes seconded the motion. The motion carried unopposed. Dr. Eckles made a motion to accept the Conclusions of Law in the Default Order and Dr. Barnes seconded the motion. The motion carried unopposed. Dr. Barnes made a motion to revoke the Tennessee medical license of Dr. Rand and pay court costs. Dr. Eckles seconded the motion. The motion carried unopposed.

Venkata R. Pulivarthi, MD - Dr. Pulivarthi was present but not represented by legal counsel. Mr. Robert O'Connell represented the State. The Honorable Robert Fellman, Administrative Law Judge presided. Mr. O'Connell gave his opening statement and informed the Board that Dr. Pulivarthi has out of state action and his Locum Tenens license has been in a failure to renew status since 1998. Mr. O'Connell handed out the Notice of Charges and Order to the panel for review. Mr. O'Connell presented proof which was the green card showing Dr. Pulivarthi received documents, Request for Admissions, certified copy of the South Carolina District Court, certified copy of South Carolina Board's suspension of license and Notice of Revocation of New York license. Mr. O'Connell stated when Requests for Admissions are not answered, they are deemed to be admitted by operation of law. Therefore, Dr. Pulvarthi essentially admitted to the allegations in the Notice of Charges. Dr. Pulvarthi is in violation of TCA 63-6-214(b) (1), TCA 63-6-214(b) (10), TCA 63-6-214(b) (14), and TCA 63-6-214(b) (20). Dr. Barnes accepted the Findings of Fact in the suggested Order and Dr. Eckles seconded the motion. The motion carried unopposed. Dr. Barnes made a motion to accept the Conclusions of Law and Dr. Eckles seconded the motion. The motion carried unopposed. Dr. Barnes made a motion to revoke the license of Dr. Pulvarthi and assess costs. Dr Eckles seconded the motion. The motion carried unopposed. Dr. Barnes made a motion to accept the Order to protect the health, safety and welfare of the citizens of the State of Tennessee. Dr. Eckles seconded the motion. The motion carried unopposed.

Adjourned at 4:30 p.m.

Dr. Allen S. Edmonson, Secretary

Date

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